

**RESOLUTION NO- 2011-015**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
TO ALLOW THE RENOVATION AND CONSTRUCTION OF  
A NON-CONFORMING STRUCTURE WHICH EXCEEDS  
66% OF THE VALUE OF THE EXISTING STRUCTURE BY  
GRANTING VARIANCES TO SIDE YARD SETBACK  
REQUIREMENTS FOR PROPERTY LOCATED AT 607-609  
ASHE STREET (RE#00010270-000000), PURSUANT TO  
SECTION 122-630 (6) b. UNDER THE CODE OF  
ORDINANCES OF THE CITY OF KEY WEST, FLORIDA;  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-28(b) of the Code of Ordinances provides that if voluntary reconstruction of non-conforming residential structures exceeds 66% of the appraised value of the structure variances are required; and

**WHEREAS**, Section 122-630 (6) b. of the Code of Ordinances provides that the minimum side-yard building setback in the HHDR zoning district is five feet on each side; and

**WHEREAS**, the applicant requested a variance to side yard setbacks to allow improvements to a non-conforming, historically contributing, residential structure which exceeds 66% of the value of that structure; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 17, 2011; and

 Chairman

 Interim Planning Director

**WHEREAS,** the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and


**WHEREAS,** the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and


**WHEREAS,** the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS,** the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS,** the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS,** the Planning Board finds that the grant of the variance will be in harmony with

 Chairman

 Interim Planning Director

the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That a variance for a non-conforming contributing building listed in the historic architectural survey for side yard setback requirements, for a renovation project in the Historic High Density Residential (HHDR) zoning district for property located at 607-609 Ashe Street (RE #

00010270-000000), per Section 122-28 (b), Sections 122-630 (6) b., of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, is hereby granted as shown on the attached plan set dated December 17, 2010.

**Section 3.** It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate this variance, which the variance shall be of no force or effect.

**Section 5.** This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal

authority respecting the property.

**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of March, 2011.

Authenticated by the Chairman of the Planning Board and the Interim Planning Director.

 Chairman  
 Interim Planning Director



Richard Klitenick, Chairman  
Key West Planning Board

3/31/2011  
Date

**Attest:**

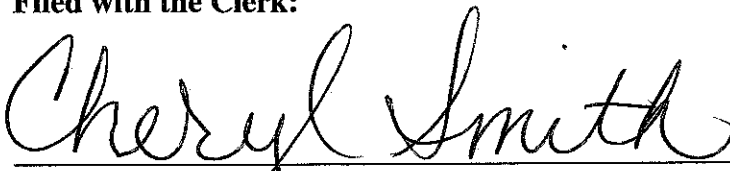


Donald Leland Craig, AICP, Interim Planning Director  
Planning Director

32811

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

3-31-11

Date



Chairman

QC

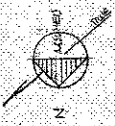
Interim Planning Director

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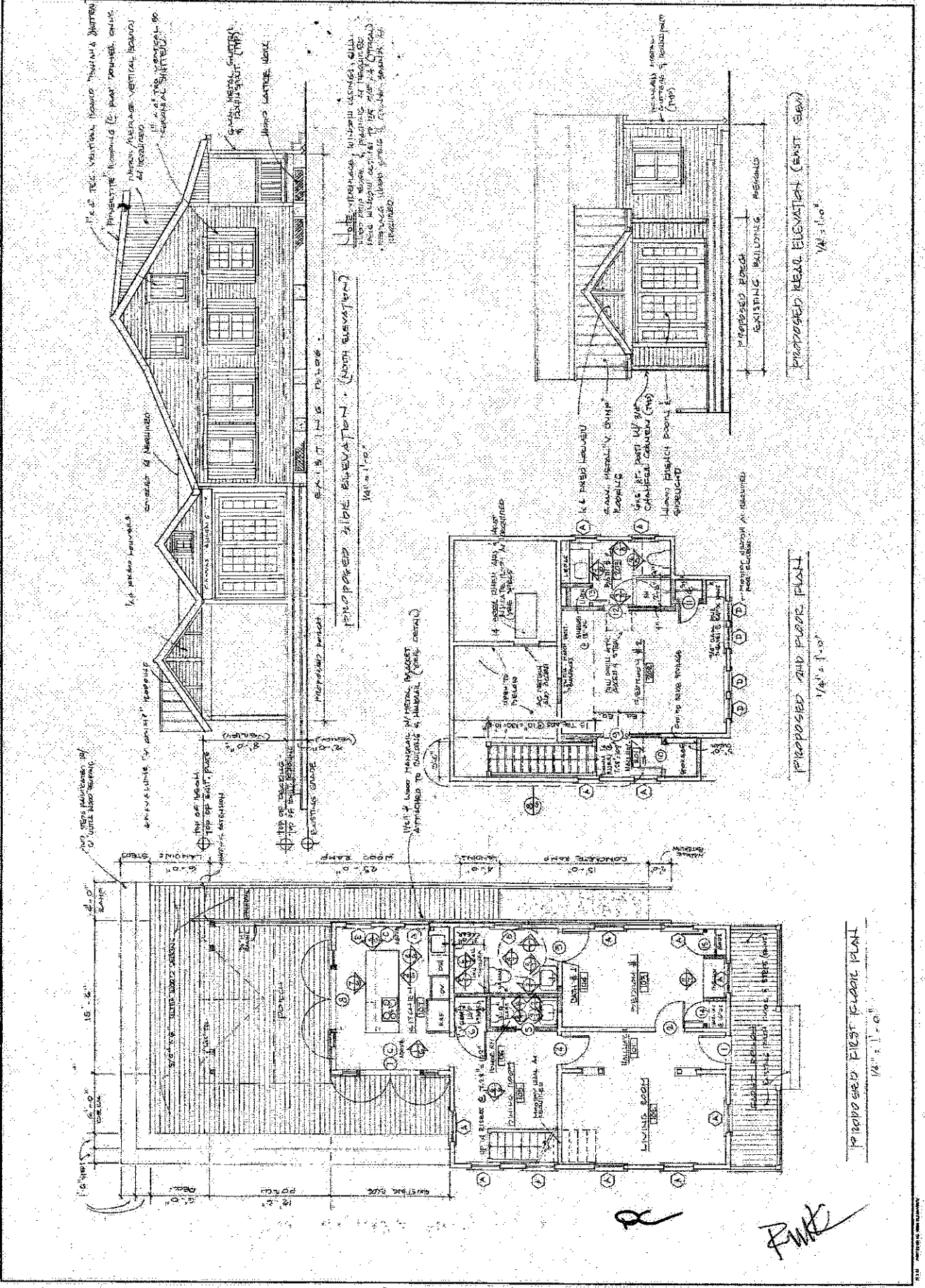
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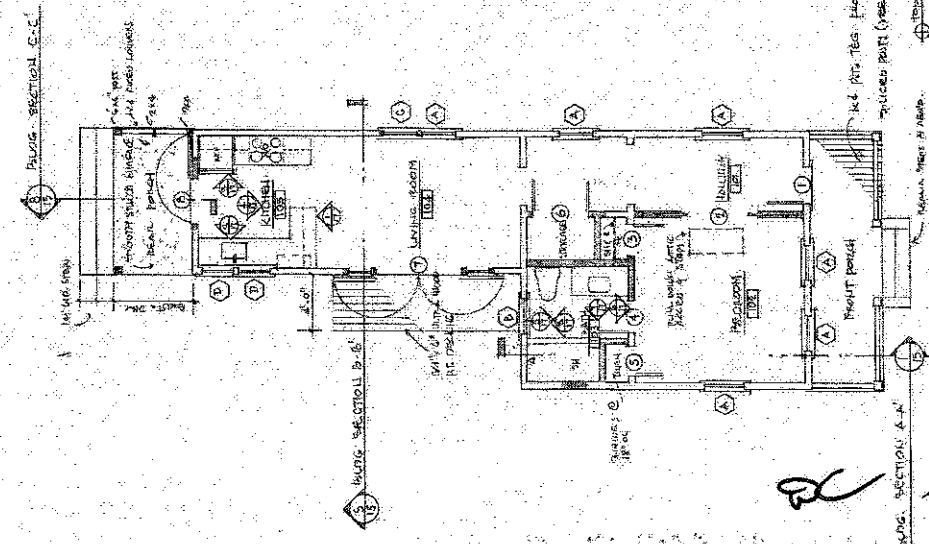
# PROPOSED SITE PLAN



any court and juvenile government! 2050 Grand St. Apt 11

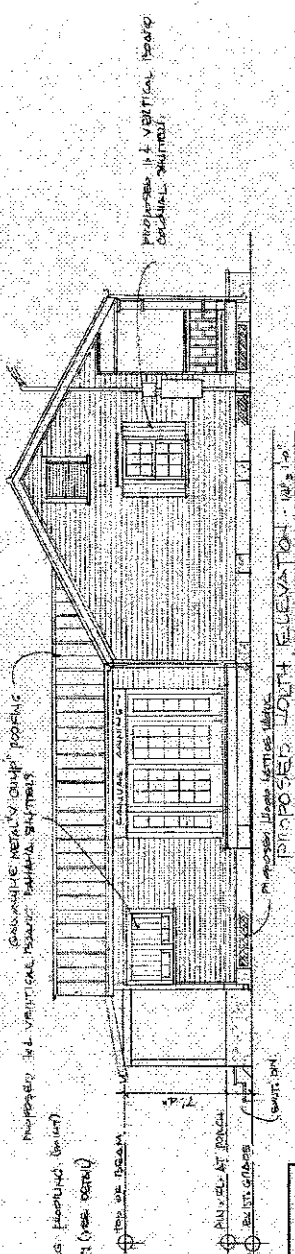






PROPOSED FLOOR PLAN - 14' x 10'

Notes: Restore antique without parts movable. Scales, all, the  
cassins, cuppas, cast handles, etc. Use methods of the working  
and principles employed by the historical designer of historic.



PROVEN PILOT CIRCULAR

WINDOW SCHEDULE				FISHES		REMARKS	
MARK	MONTH	HEIGHT	MANUFACTURER	CATALOGUE	MATERIAL		
A	EXP. 5/15	1100/2000	TO BE	REINFORCED			
B	95	45	REINFORCED	WIP	PAINT		
C	95	45	REINFORCED	WIP	↓		
D	95	45	REINFORCED	WIP	↓		

APPLIANCE SCHEDULE									
MAKE	APPLIANCE	WPA	MODEL	HEIGHT	WIDTH	DEPTH	COLOUR	INSURANCE	
	REFRIGERATOR		General Electric	66 1/2"	34 1/2"	34"			
	Freezer		General Electric	34 1/2"	24"	24"			
	WASH. MACHINE		↓						
	DISH. WASH.		↓						
	STOVE		General Electric	34 1/2"	24"	24"			